

# House File 250 - Introduced

HOUSE FILE 250

BY FRY

## A BILL FOR

1 An Act relating to the operation of off-road utility vehicles  
2 on secondary roads upon registration with the department of  
3 transportation, providing a registration fee, and providing  
4 penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsections 32 and 47A, Code 2013,  
2 are amended to read as follows:

3 32. "*Implement of husbandry*" means a vehicle or special  
4 mobile equipment manufactured, designed, or reconstructed  
5 for agricultural purposes and, except for incidental uses,  
6 exclusively used in the conduct of agricultural operations.  
7 "*Implements of husbandry*" includes all-terrain vehicles operated  
8 in compliance with section 321.234A, subsection 1, paragraph  
9 "a", but not registered for operation upon a highway pursuant  
10 to section 321.118, fence-line feeders, and vehicles used  
11 exclusively for the application of organic or inorganic plant  
12 food materials, organic agricultural limestone, or agricultural  
13 chemicals. To be considered an implement of husbandry, a  
14 self-propelled implement of husbandry must be operated at  
15 speeds of thirty-five miles per hour or less.

16 a. "*Reconstructed*" as used in this subsection means  
17 materially altered from the original construction by the  
18 removal, addition, or substitution of essential parts, new or  
19 used.

20 b. A vehicle covered under this subsection, if it otherwise  
21 qualifies, may be operated as special mobile equipment  
22 and under such circumstances this subsection shall not be  
23 applicable to such vehicle, and such vehicle shall not be  
24 required to comply with sections 321.384 through 321.423, when  
25 such vehicle is moved during daylight hours; however, the  
26 provisions of section 321.383 shall remain applicable to such  
27 vehicle.

28 47A. "*Off-road utility vehicle*" means a motorized  
29 ~~flotation-tire~~ vehicle with not less than four and not more  
30 than eight ~~low-pressure~~ nonhighway tires that is limited in  
31 engine displacement to less than one thousand five hundred  
32 cubic centimeters and in total dry weight to not more than ~~one~~  
33 two thousand eight hundred pounds and that has a seat that is  
34 of bucket or bench design, not intended to be straddled by the  
35 operator, and a steering wheel or control levers for control.

1     Sec. 2. Section 321.105A, subsection 2, paragraph c, Code  
2 2013, is amended by adding the following new subparagraph:

3     NEW SUBPARAGRAPH. (31) An off-road utility vehicle, if the  
4 owner paid the sales tax required under section 423.2 at the  
5 time the vehicle was purchased.

6     Sec. 3. Section 321.109, subsection 1, paragraph a, Code  
7 2013, is amended to read as follows:

8     a. The annual fee for all motor vehicles including vehicles  
9 designated by manufacturers as station wagons, 1993 and  
10 subsequent model year multipurpose vehicles, and 2010 and  
11 subsequent model year motor trucks with an unladen weight of  
12 ten thousand pounds or less, except motor trucks registered  
13 under section 321.122, business-trade trucks, special trucks,  
14 motor homes, ambulances, hearses, off-road utility vehicles,  
15 motorcycles, motorized bicycles, and 1992 and older model year  
16 multipurpose vehicles, shall be equal to one percent of the  
17 value as fixed by the department plus forty cents for each one  
18 hundred pounds or fraction thereof of weight of vehicle, as  
19 fixed by the department. The weight of a motor vehicle, fixed  
20 by the department for registration purposes, shall include  
21 the weight of a battery, heater, bumpers, spare tire, and  
22 wheel. Provided, however, that for any new vehicle purchased  
23 in this state by a nonresident for removal to the nonresident's  
24 state of residence the purchaser may make application to the  
25 county treasurer in the county of purchase for a transit plate  
26 for which a fee of ten dollars shall be paid. And provided,  
27 however, that for any used vehicle held by a registered dealer  
28 and not currently registered in this state, or for any vehicle  
29 held by an individual and currently registered in this state,  
30 when purchased in this state by a nonresident for removal to  
31 the nonresident's state of residence, the purchaser may make  
32 application to the county treasurer in the county of purchase  
33 for a transit plate for which a fee of three dollars shall  
34 be paid. The county treasurer shall issue a nontransferable  
35 certificate of registration for which no refund shall be

1 allowed; and the transit plates shall be void thirty days  
 2 after issuance. Such purchaser may apply for a certificate  
 3 of title by surrendering the manufacturer's or importer's  
 4 certificate or certificate of title, duly assigned as provided  
 5 in this chapter. In this event, the treasurer in the county  
 6 of purchase shall, when satisfied with the genuineness and  
 7 regularity of the application, and upon payment of a fee of  
 8 twenty dollars, issue a certificate of title in the name and  
 9 address of the nonresident purchaser delivering the title  
 10 to the owner. If there is a security interest noted on the  
 11 title, the county treasurer shall mail to the secured party an  
 12 acknowledgment of the notation of the security interest. The  
 13 county treasurer shall not release a security interest that  
 14 has been noted on a title issued to a nonresident purchaser  
 15 as provided in this paragraph. The application requirements  
 16 of section 321.20 apply to a title issued as provided in this  
 17 subsection, except that a natural person who applies for a  
 18 certificate of title shall provide either the person's social  
 19 security number, passport number, or driver's license number,  
 20 whether the license was issued by this state, another state, or  
 21 another country. The provisions of this subsection relating to  
 22 multipurpose vehicles are effective for all 1993 and subsequent  
 23 model years. The annual registration fee for multipurpose  
 24 vehicles that are 1992 model years and older shall be in  
 25 accordance with section 321.124.

26     Sec. 4. NEW SECTION.   321.118   Off-road utility vehicles —  
 27 registration.

28     The owner of an off-road utility vehicle that is registered  
 29 pursuant to chapter 321I may also register the off-road utility  
 30 vehicle under this chapter, to be operated on secondary roads  
 31 as provided in section 321.234B.

32     1. Notwithstanding section 321.20, an owner wishing to  
 33 register an off-road utility vehicle shall file an application  
 34 with the county treasurer of the county of the owner's  
 35 residence containing the full legal name, social security

1 number or Iowa driver's license number or Iowa nonoperator's  
2 identification card number, date of birth, bona fide residence,  
3 mailing address of the owner, and such further information as  
4 may reasonably be required by the department. The application  
5 shall be accompanied by a copy of the certificate of title for  
6 the vehicle issued pursuant to section 321I.31.

7 2. The annual registration fee for an off-road utility  
8 vehicle is ten dollars.

9 Sec. 5. Section 321.166, subsection 1, paragraph a, Code  
10 2013, is amended to read as follows:

11 a. Registration plates shall be of metal and of a size not  
12 to exceed six inches by twelve inches, except that the size of  
13 plates issued for use on off-road utility vehicles, motorized  
14 bicycles, motorcycles, motorcycle trailers, and trailers  
15 with an empty weight of two thousand pounds or less shall be  
16 established by the department.

17 Sec. 6. Section 321.166, subsection 4, Code 2013, is amended  
18 to read as follows:

19 4. The registration plate number, except on off-road  
20 utility vehicles, motorized bicycles, motorcycles, motorcycle  
21 trailers, and trailers with an empty weight of two thousand  
22 pounds or less, shall be of sufficient size to be readable from  
23 a distance of one hundred feet during daylight.

24 Sec. 7. Section 321.234A, Code 2013, is amended by adding  
25 the following new subsection:

26 NEW SUBSECTION. 5. The provisions of this section do not  
27 apply to an off-road utility vehicle operated on a highway in  
28 accordance with section 321.234B.

29 Sec. 8. NEW SECTION. **321.234B Registered off-road utility**  
30 **vehicles — operation on highways.**

31 An off-road utility vehicle which is registered under this  
32 chapter may be operated on a secondary road subject to all of  
33 the following:

34 1. *Persons who may operate.* A person shall not operate an  
35 off-road utility vehicle on a highway unless the person is

1 sixteen years of age or older and has a valid driver's license  
2 other than a license valid only for operation of a motorized  
3 bicycle.

4     2. *Operation on certain highways only.* Off-road utility  
5 vehicles registered under section 321.118 may be operated on  
6 secondary roads, but shall not be operated on highways within  
7 the corporate limits of a city and shall not be operated on a  
8 primary highway except to cross the primary highway; however,  
9 the provisions of section 321I.10 govern the crossing of a  
10 primary highway when the off-road utility vehicle is being  
11 operated on an all-terrain vehicle trail.

12     3. *Motor vehicle laws applicable.* The motor vehicle  
13 laws, including but not limited to the provisions of sections  
14 321.20B, 321.317, 321.385, and 321.387, apply to the operation  
15 of off-road utility vehicles registered for operation on  
16 highways, except for those provisions relating to required  
17 equipment which by their nature can have no practical  
18 application.

19     4. *Penalties.* A person convicted of a violation of  
20 subsection 1 or 2 is guilty of a simple misdemeanor punishable  
21 as a scheduled violation under section 805.8A, subsection 6.

22     Sec. 9. Section 321I.9, unnumbered paragraph 1, Code 2013,  
23 is amended to read as follows:

24     Registration under this chapter shall not be required for  
25 the following described all-terrain vehicles:

26     Sec. 10. Section 321I.10, subsections 1 through 3, Code  
27 2013, are amended to read as follows:

28     1. A person shall not operate an all-terrain vehicle or  
29 off-road utility vehicle upon roadways or highways except as  
30 provided in ~~section~~ sections 321.234A and 321.234B and this  
31 section.

32     2. ~~A registered~~ An all-terrain vehicle or off-road utility  
33 vehicle registered under this chapter may be operated on  
34 the roadways of that portion of county highways designated  
35 by the county board of supervisors for such use during a

1 specified period. The county board of supervisors shall  
 2 evaluate the traffic conditions on all county highways and  
 3 designate roadways on which all-terrain vehicles or off-road  
 4 utility vehicles may be operated for the specified period  
 5 without unduly interfering with or constituting an undue  
 6 hazard to conventional motor vehicle traffic. In designating  
 7 such roadways, the board may authorize all-terrain vehicles  
 8 and off-road utility vehicles to stop at service stations or  
 9 convenience stores along a designated roadway.

10 3. Cities may designate streets under the jurisdiction of  
 11 cities within their respective corporate limits which may be  
 12 used for the operation of ~~registered~~ all-terrain vehicles or  
 13 ~~registered~~ off-road utility vehicles registered under this  
 14 chapter. In designating such streets, the city may authorize  
 15 all-terrain vehicles and off-road utility vehicles to stop  
 16 at service stations or convenience stores along a designated  
 17 street.

18 Sec. 11. Section 805.8A, subsection 6, Code 2013, is amended  
 19 by adding the following new paragraph:

20 NEW PARAGRAPH. *0a.* Section 321.234B, subsection 1  
 21 or 2.....\$50.

22 EXPLANATION

23 This bill provides for the registration of off-road utility  
 24 vehicles for operation on secondary roads.

25 The bill amends the definition of "off-road utility  
 26 vehicle", for purposes of Code chapter 321, to mean a motorized  
 27 vehicle with not less than four and not more than eight  
 28 nonhighway tires that is limited in engine displacement to less  
 29 than 1,500 cubic centimeters and in total dry weight to not  
 30 more than 2,000 pounds and that has a seat that is of bucket  
 31 or bench design, not intended to be straddled by the operator,  
 32 and a steering wheel or control levers for control. This  
 33 definition closely matches the definition in Code chapter 321I,  
 34 except that it excludes rubber-tracked vehicles. Currently,  
 35 the department of natural resources regulates off-road utility

1 vehicles pursuant to Code chapter 321I for purposes of off-road  
2 recreational use. Off-road utility vehicles are not permitted  
3 on Iowa highways, except under limited circumstances.

4 Under the bill, the owner of an off-road utility vehicle  
5 may register the vehicle with the department of transportation  
6 by making application to the county treasurer of the owner's  
7 county of residence. The application must be accompanied by a  
8 copy of the certificate of title for the vehicle issued by the  
9 department of natural resources. The annual registration fee  
10 for an off-road utility vehicle is \$10.

11 The size of license plates to be issued for off-road  
12 utility vehicles will be determined by the department of  
13 transportation. Because off-road utility vehicles are  
14 currently subject to sales tax, the bill provides that off-road  
15 utility vehicles are exempt from the fee for new registration  
16 imposed on vehicles subject to registration, so long as  
17 the owner has paid the sales tax at the time of purchase.  
18 Registration with the department of transportation does not  
19 exempt the owner from the current requirement to register  
20 the off-road utility vehicle with the department of natural  
21 resources.

22 The bill provides that an off-road utility vehicle  
23 registered with the department of transportation may be  
24 operated on secondary roads, but not on primary highways,  
25 except to cross over a primary highway, and not on highways  
26 within the corporate limits of a city.

27 The bill states that a person who operates an off-road  
28 utility vehicle on a highway must be at least 16 years of  
29 age and have a valid driver's license other than a license  
30 valid only for the operation of a motorized bicycle. Iowa  
31 motor vehicle laws apply to the operation of off-road utility  
32 vehicles on highways except those equipment provisions which  
33 by their nature can have no practical application. The bill  
34 specifies that the operator of an off-road utility vehicle must  
35 carry proof of motor vehicle financial liability coverage,



1 and the off-road utility vehicle must meet requirements for  
2 headlamps, rear lamps, and turn signals.

3 Under current law, a person who operates an off-road utility  
4 vehicle on a highway in violation of current restrictions  
5 commits a simple misdemeanor punishable by a scheduled fine of  
6 \$50. The bill establishes the same penalty for a person who  
7 operates a registered off-road utility vehicle in violation of  
8 minimum age and licensing requirements or on a highway where  
9 off-road utility vehicle operation is not authorized.

10 The bill makes conforming amendments to Code chapter 321I,  
11 relating to the regulation of off-road utility vehicles by the  
12 department of natural resources and to permissible operation on  
13 city and county roads pursuant to that Code chapter.